

Voted at Meeting of 3/16/83

"SIXTH AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION, AS AMENDED, OF THE JAMAICAWAY DEVELOPMENT COMPANY, INC., FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A CORPORATION ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 156B AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CORPORATION UNDER SAID CHAPTER 121A."

On February 26, 1963, the Authority voted to adopt a Report and Decision on the Application of Jamaicaway Development Company, Inc., for approval of an Urban Renewal Project pursuant to M.G.L. (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The Project called for the construction and maintenance of 280 residential units and appurtenant facilities on two parcels of land located at Perkins and Jamaicaway in the Jamaica Plain section of the City of Boston.

Subsequent amendments have allowed additional property to be added, additional zoning changes and changes of entities and principals. The property was constructed and operated by the Jamaicaway Development Company, Inc., until 1968 when it was transferred, with Authority approval, to the Trustees of the Jamaicaway Development Trust.

On November 8, 1979, the Authority approved the Fifth Amendment to the Report and Decision, noted in paragraph one, which allowed the acquisition and transfer of the Project to the Jamaicaway Tower and Townhouse Cooperative Housing Corporation. This Amendment was approved by the Mayor on November 9, 1979, and filed in the City Clerk's Office on November 13, 1979.

As part of the Fifth Amendment a so called "Exhibit A" (attached to the letter requesting this Amendment) was voted by the Authority. Under the heading "First Parcel " of Schedule A a 20-foot easement was granted.

This easement was created by a Deed dated October 30, 1958 (Suffolk Land Court Document #238825) from Jamaicaway Hotel, Inc., the owner of the project to Perkins Manor, Inc., predecessor in title to Perkins Manor Co., Inc.

The easement was to provide access over Perkins property to be used as a service entrance for a hotel or motel. This use did not come into being and Jamaicaway Tower and Townhouse Cooperative Corporation now wishes to release the Perkins property from the easement. However, Perkins wishes to avoid any cloud on its title and to assure that its property is not subject to Chapter 121A or the Regulatory Agreement stemming from the 121A process.

The Authority orders that the "Exhibit A" adopted as part of the Report and Decision dated February 27, 1963, as alluded to above be stricken by substituting, therefore, the description set forth in "Exhibit B" as annexed hereto and made part of this by reference, and the Authority further orders that the Regulatory Agreement executed between this Authority and the Jamaicaway Tower and Townhouse Cooperative Corporation (Suffolk Land Court Document #348667) be amended so as to remove the easement from the benefits and restrictions of G.L. Chapter 121A, amended and Chapter 652, Sections 12 through 14, of the Acts of 1960.

March 2, 1983

Boston Re-development Authority
City Hall Plaza
Boston, Massachusetts

Re: Application for Approval of Amendment
to BRA Report and Decision dated
February 27, 1963, Approving Urban
Re-development Project on Premises
in Boston subject to the Provisions of
Chapter 121A of the General Laws of
Massachusetts and of Chapter 652,
Sections 12 through 14 of the Acts of
1960, as Amended, (Jamaicaway Tower and
Townhouses, Jamaica Plain, Massachusetts)

Dear Sirs:

Jamaicaway Tower and Townhouses Cooperative Housing Corporation is a corporation organized under the provisions of Massachusetts General Laws Chapters 121A and 156 (hereinafter referred to as "Jamaicaway"). Pursuant to an Application dated July 25, 1979, the Boston Re-development Authority ("Authority") approved the Acquisition by Jamaicaway of the property described in Exhibit "A" attached hereto from Jamaicaway Development Trust pursuant to the provisions of Chapter 121A of the General Laws, as amended, and of Chapter 652, Sections 12 through 14, of the Acts of 1960, as amended. Said approval was by Vote of the Authority dated November 8, 1979, adopting the Fifth Amendment to the Report and Decision for the Project (the term "Project" shall herein refer to the property described in Exhibit "A" annexed hereto). Said Fifth Amendment was approved by the Mayor of the City of Boston on November 9, 1979, and a Certificate thereof was filed with the City Clerk on November 13, 1979.

Perkins Manor Co., Inc. ("Perkins") has requested Jamaicaway to release its rights in a certain Easement described as part of "Parcel 1" in the description of the Project. Said Easement was created by Deed dated October 30, 1958, (recorded as Document No. 238825 in Suffolk Registry of the Land Court) from Jamaicaway Hotel, Inc., the then owner of the Project, to Perkins Manor, Inc. the predecessor in title to Perkins Manor Co., Inc. The

purpose of the Easement was to provide access over the Perkins property by right of way to be used "only as a service entrance for a hotel or motel to be erected on the land of the grantor". Said right of way for the benefit of the land now owned by Jamaicaaway is not recently in use, Jamaicaaway is not a hotel or motel, and a fence has been erected by Jamaicaaway blocking the Project from access to the way. Jamaicaaway wishes to release the Perkins property from the Easement.

However, since the Easement is part of the description of the Project approved by way of Amendment to the original Report and Decision, any release of the Easement might carry with it the benefits and restrictions of General Laws Chapter 121A, Chapter 652, Sections 12 through 14 of the Acts of 1960, as amended, and of the Regulatory Agreement executed by the BRA and Jamaicaaway on January 14, 1980, and recorded at Suffolk Registry District of the Land Court as Document No. 348667. The Regulatory Agreement provides that the benefits and restrictions imposed by it "run with the land" upon the conveyance by Jamaicaaway of any portion of the property.

Since Perkins wishes to avoid the creation of a cloud on its title, since Jamaicaaway wishes to release its Easement to Perkins, and since the Easement is not currently in use, Jamaicaaway hereby requests that the Report and Decision of the Authority dated February 27, 1963, as amended from time to time and as currently in affect and the Regulatory Agreement be amended so as to remove the Easement from the benefits and restrictions of General Laws Chapter 121A and Chapter 652, Sections 12 through 14 of the Acts of 1960. Specifically, Jamaicaaway requests that *some be amended by* striking the description of the Project set forth in said Decision and Order and in said Regulatory Agreement, and by substituting therefor the description set forth as Exhibit "B" annexed hereto and made a part hereof by this reference.

Thank you for your prompt attention to this matter.

Very truly yours,

JAMAICAWAY TOWER AND TOWNHOUSES
COOPERATIVE HOUSING CORPORATION

BY: David Levenson
David Levenson, its President

Three contiguous parcels of land with the buildings and other improvements thereon in Boston, Suffolk County, Massachusetts, as follows:

First Parcel (Registered Land)

That certain parcel of land situated in that part of Boston formerly West Roxbury in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

WESTERLY AND NORTHWESTERLY by the Easterly and Southeasterly lines of the Jamaica Way, five hundred six and 20/100 (506.20) feet;

NORTHEASTERLY by land now for formerly of Edwin U. Curtis et al, one hundred sixty-three and 33/100 (163.33) feet;

EASTERLY by lands of sundry adjoining owners (as shown on plan hereinafter mentioned), two hundred ten and 63/100 (210.68) feet;

SOUTHERLY two hundred nineteen and 11/100 (219.11) feet; and

EASTERLY twenty-two (22) feet by lot 43 as shown on said plan;

SOUTHERLY twelve and 50/100 (12.50) feet; and

EASTERLY four and 52/100 (4.52) feet by lot A as shown on said plan; and

SOUTHERLY by land now or formerly of Henry A. Rueter et al Trustees, one hundred ninety and 38/100 (190.38) feet.

Said land is shown as Lot Six (6) on a subdivision plan drawn by Joseph W. Moore, Inc., Surveyors, dated November 24, 1959, as approved by the Court, filed in the Land Registration Office as Plan No. 4910-G, a copy of a portion of which is filed with Certificate of Title No. 66006, being the same premises in Certificate of Title No. 70859, Book 59, Page 350.

Together with an Easement over a twenty (20) foot Right of Way as set forth in Agreement between Jamaicaway Hotel, Inc. and Perkins Manor, Inc. dated October 30, 1958, recorded Document No. 208325 on Certificate of Title No. 70859 in the Land Registration Office.

Second Parcel (Unregistered Land)

That certain parcel of land situated in Boston, Suffolk County, Massachusetts, formerly West Roxbury, bounded and described as follows:

SOUTHERLY by Perkins Street by three lines measuring respectively forty-five and 60/100 (45.60)

feet, sixty-six and 13/100 (66.13) feet and thirty-eight and 43/100 (38.43) feet, more or less;

SOUTHWESTERLY by a curved line forming the junction of said Perkins Street and Jamaica Way, fifty-three and 77/100 (53.77) feet, more or less;

WESTERLY by said Jamaica Way, by two lines measuring one hundred eighty-six and 32/100 (186.32) feet and eighty and 16/100 (80.16) feet, more or less, respectively;

NORTHERLY by land of the grantor one hundred seventy-eight and 38/100 (178.38) feet, more or less;

EASTERLY by the westerly side of 25th Avenue three hundred twenty and 25/100 (320.25) feet, more or less.

Third Parcel (Unregistered Land)

That certain parcel of land situated in the Jamaica Plain section of Boston, Suffolk County, Massachusetts, numbered 252 Jamaica Way, bounded and described as follows:

NORTHERLY by the Jamaica Way one hundred and sixteen and 53/100 (116.53) feet;

NORTHEASTERLY by Parkwood Terrace seventy-eight (78) feet;

SOUTHEASTERLY by land now or formerly of Daniel F. and Margaret C. McLean sixteen (16) feet;

SOUTHERLY by land now or formerly of said McLeans, ninety-two and 28/100 (92.28) feet;

SOUTHWESTERLY by land of said Jamaica Way Development Company, Inc. thirty-three and 33/100 (33.33) feet.

Being a portion of the premises conveyed to Arnold M. Soloway by deeds of Donald C. and Helen F. Colbath dated July 1, 1964, and recorded with Suffolk Deeds, Book 7911, Page 172, and A. Love Bezanson, dated December 21, 1964, and recorded with Suffolk Deeds, Book 7913, Page 592.

The premises are shown as Lot A on a "Plan of Land, Boston (Jamaica Plain) Mass." by Harry R. Feldman, Inc., Surveyors, dated March 19, 1965, and revised September 26, 1966, recorded with Suffolk Deeds, Book 3033, End, and contain according to said plan 5,717 square feet.

Said premises are conveyed subject to grant of rights in Parkwood Terrace to City of Boston by instrument recorded April 4, 1964, with Suffolk Deeds, Book 4302, Page 377, and such other restrictions on record so far as the same are in force and applicable.

Three contiguous parcels of land with the buildings and other improvements thereon in Boston, Suffolk County, Massachusetts, as follows:

First Parcel (Registered Land)

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NORTHWESTERLY by the Easterly and Southeasterly lines of the Jamaica Way, five hundred six and 20/100 (506.20) feet;

NORTHEASTERLY by land now for formerly of Edwin U. Curtis et al, one hundred sixty-three and 33/100 (163.33) feet;

EASTERLY by lands of sundry adjoining owners (as shown on plan hereinafter mentioned), two hundred ten and 63/100 (210.63) feet;

SOUTHERLY two hundred nineteen and 11/100 (219.11) feet; and

EASTERLY twenty-two (22) feet by lot 43 as shown on said plan;

SOUTHERLY twelve and 50/100 (12.50) feet; and

EASTERLY four and 52/100 (4.52) feet by lot A as shown on said plan; and

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Said land is shown as Lot Six (6) on a subdivision plan drawn by Joseph W. Moore, Inc., Surveyors, dated Noember 24, 1959, as approved by the Court, filed in the Land Registration Office as Plan No. 4910-G, a copy of a portion of which is filed with Certificate of Title No. 66006, being the same premises in Certificate of Title No. 70839, Book 59, Page 350..

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That certain parcel of land situated in Boston, Suffolk County, Massachusetts, formerly West Roxbury, bounded and described as follows:

SOUTHERLY by Perkins Street by three lines measuring respectively forty-five and 60/100 (45.60)

feet, sixty-six and 13/100 (66.13) feet and thirty-eight and 43/100 (38.43) feet, more or less;

SOUTHWESTERLY by a curved line forming the junction of said Perkins Street and Jamaica Way, fifty-three and 77/100 (53.77) feet, more or less;

WESTERLY by said Jamaica Way, by two lines measuring one hundred eighty-six and 32/100 (186.32) feet and eighty and 16/100 (80.16) feet, more or less, respectively;

NORTHERLY by land of the grantor one hundred seventy-eight and 38/100 (178.38) feet, more or less;

EASTERLY by the westerly side of 25' avenue three hundred twenty and 25/100 (320.25) feet, more or less.

Third Parcel (Unregistered Land)

That certain parcel of land situated in the Jamaica Plain section of Boston, Suffolk County, Massachusetts, numbered 252 Jamaica Way, bounded and described as follows:

NORTHERLY by the Jamaica Way one hundred and sixteen and 53/100 (116.53) feet;

NORTHEASTERLY by Parkwood Terrace seventy-eight (78) feet;

SOUTHEASTERLY by land now or formerly of Daniel F. and Margaret C. McLean sixteen (16) feet;

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Being a portion of the premises conveyed to Arnold M. Soloway by deeds of Donald C. and Helen F. Colbath dated July 1, 1964, and recorded with Suffolk Deeds, Book 7911, Page 172, and A. Love Bezanson, dated December 21, 1964, and recorded with Suffolk Deeds, Book 7913, Page 592.

The premises are shown as Lot A on a "Plan of Land, Boston (Jamaica Plain) Mass." by Harry R. Feldman, Inc., Surveyors, dated March 19, 1965, and revised September 26, 1966, recorded with Suffolk Deeds, Book 3083, End, and contain according to said plan 6,717 square feet.

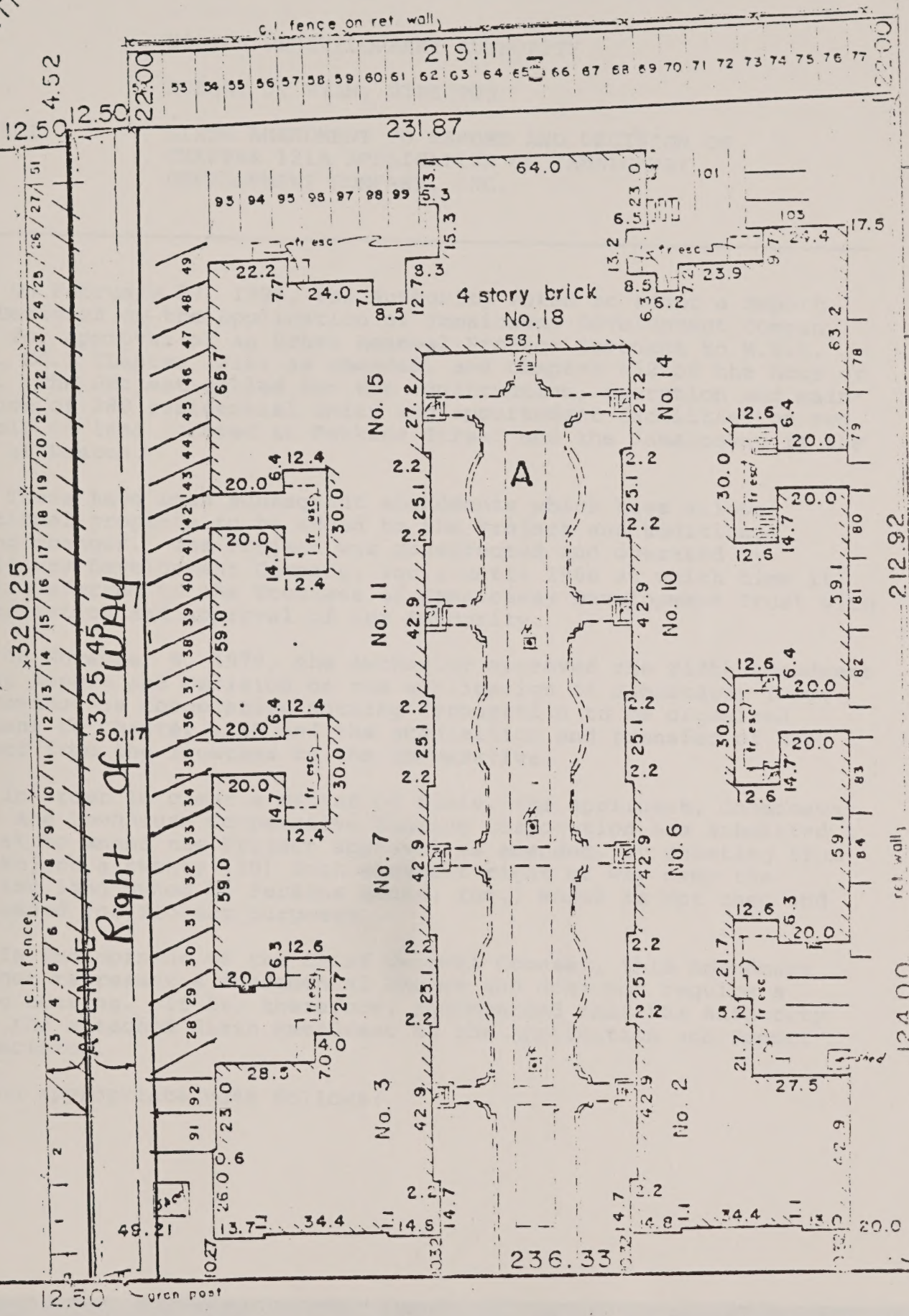
Said premises are conveyed subject to grant of rights in Parkwood Terrace to City of Boston by instrument recorded April 4, 1961, Suffolk Deeds, Book 4302, Page 377, and such other restrictions and records so far as the same are in force and applicable.

JAMAICAWAY TOWER AND TOWNHOUSES

COOPERATIVE

HOUSING CORPORATION
Lot 3 L.C. Plan No.

Henry A. Rueter et al, Trustees



PERKINS

STREET

M E M O R A N D U M

March 16, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: SIXTH AMENDMENT TO REPORT AND DECISION ON
CHAPTER 121A APPLICATION OF JAMAICAWAY
DEVELOPMENT COMPANY, INC.

On February 27, 1983, the Authority voted to adopt a Report and Decision on the Application of Jamaicaaway Development Company, Inc. for approval of an Urban Renewal Project pursuant to M.G.L. (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The Project called for the construction, operation and maintenance of 280 residential units and appurtenant facilities on two parcels of land located at Perkins Street and the Jamaicaaway in the City of Boston.

There have been subsequent amendments which have allowed additional property to be added to the Project and additional zoning changes. The Project was constructed and operated by Jamaicaaway Development Company, Inc., until 1968 at which time it was transferred to the Trustees of Jamaicaaway Development Trust with authorization and approval of the Authority.

On November 8, 1979, the Authority approved the Fifth Amendment to the Report and Decision on the application of Jamaicaaway Tower and Townhouses Cooperative Housing Corporation to be organized pursuant to Chapter 121A and the acquisition and transfer of the Project from the Trustees to the Cooperative.

In order to clear a matter of title, the Applicant, Jamaicaaway Tower and Townhouse Cooperative Housing Corporation has submitted a request to amend the Project approval as amended, by deleting from the Project a twenty (20) foot easement right of way over the abutting land owned by Perkins Manor, Inc., which is not used and not needed for Project purposes.

In the opinion of the Chief General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing. It is, therefore, recommended that the Authority adopt the attached Sixth Amendment to the Application and Report and Decision.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority hereby approves and adopts the document presented at this meeting entitled "Sixth Amendment to the Report and Decision on the Application, as amended, of the Jamaicaaway Development Company, Inc., for authorization and approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a corporation organized pursuant to Massachusetts General Laws Chapter 156B and approval to act as an Urban Redevelopment Corporation under said Chapter 121A."

